#### **PATENTS**

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: WANG, Xiao Bing et al.		)	Group Art U	nit: <b>1637</b>
Serial	No.: <b>09/618,129</b>	)	Examiner:	SPIEGLER, A
Filed:	17 July 2000	)	Atty. Docket	No. TRIM1
For:	DETECTION OF SEQUENCE VARIATION OF NUCLEIC ACID	)		
	BY SHIFTED TERMINATION ANALYSIS	)		

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on May 28, 2003.

Typed or printed name of person signing this certificate

Signature Konf. Ho

# TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS) AND COPIES OF IDS CITATIONS UNDER 37 C.F.R. 1.97(c)

May 28, 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the continuing duty under 37 C.F.R. § 1.56 to disclose to the United States Patent and Trademark Office any information that may be material to the patentability of the above-identified invention, Applicants hereby disclose the references listed on the attached Form PTO-1449 for the above-identified patent application along with copies of each listed

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reference. An English translation of reference B1 (RU 97117182) is also included pursuant to

M.P.E.P. 609 III A (3).

References B2-B5 were originally submitted in an Information Disclosure Statement on

September 6, 2001. The dates originally listed for each reference on PTO Form 1449

corresponded to the filing dates of each reference. Accordingly, Applicants are re-submitting the

references and have listed the publication dates, rather than the filing dates.

Reference B6 was originally submitted in a Supplemental Information Disclosure

Statement on April 22, 2003. The page number listed for the reference on PTO Form 1449 only

included the first page of the reference. Accordingly, Applicants are re-submitting the reference

and have listed all of the pages of the reference.

The submission of these references shall not serve as an indication that a search has been

conducted on the claimed subject matter, nor shall the submission be deemed an admission that

these references are, or are considered to be, material to the patentability of the above-identified

patent application.

Applicants have enclosed check # 314838 in the amount of \$180.00 to cover the fee

under 37 C.F.R. § 1.97 (c) and 37 C.F.R. § 1.17 (p). No other fee is deemed due in connection

with filing this Supplemental Information Disclosure Statement, however, if a fee is deemed to

be due the Commissioner is hereby authorized to charge such fee to Deposit Account No. 20-

1507.

Respectfully submitted,

TROUTMAN SANDERS LLP

Rv.

Charles Vorndran

Reg. No. 45,315

Troutman Sanders LLP Bank of America Plaza, Suite 5200 600 Peachtree Street, N.E.

Atlanta, Georgia 30308-2216

Tel. No.: (404) 885-3813 Fax No.: (404) 962-6866

PTO/SB/08A (04-03)

Approv .r use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Inder the Paperwork Seduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Sabsutat	for form 144	9A/PTO		Complete If Known			
				Application Number	09/618,129		
INFO	RMATI(	ON DISC	CLOSURE	Filing Date	17 July 2000		
			PLICANT	First Named Inventor	WANG, Xiao Bing		
	se as many s			Group Art Unit	1637		
,			<b>~</b> ·	Examiner Name	SPIEGLER, Alexander		
Sheet	1	of	2	Attorney Docket Number	TRIM1		

				U.S. PATE	NT DOCUMENTS	
Cite No.1	U.S. Paten Number			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	Cite No.1	Cite Number Number	Cite Number Kind	No. <sup>1</sup> ((f known)	Cite Number Kind Code Publication Date MM-DD-YYYY	Cite Number Kind Code MM-DD-YYYY Name of Patentee or Applicant of Cited Document

		F	oreign Patent Docume	ent			Pages, Columns, Lines,	
Examiner Initials	Cite No.	Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	B1	RU	97117182	Α	8/20/1999			X
	B2	EU	0 497 527	A1	8/5/1992	Imperial Chemical Industries Inc.		
	В3	EU	0 663 447	A2	7/19/1995	Eiken Chemical Co., Ltd.		
	B4	RU	10,113		1999	Russian Office Action		X
	B5	RU	2,099,426	C1	12/20/1997			

1	Examiner	Date	
	Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kind Codes of U.S. Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a>. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing and submitted the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestion for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO			Complete If Known			
				Application Number	09/618,129	
INFOR	маті	ON DISC	CLOSURE	Filing Date	17 July 2000	
			PLICANT	First Named Inventor	WANG, Xiao Bing	
		sheets as ne		Group Art Unit	1637	
(			• •	Examiner Name	SPIEGLER, Alexander	
Sheet	2	of	2	Attorney Docket Number	TRIM1	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number)s), publisher, city and/or county where published.	T <sup>2</sup>
	В6	Konopka et al., An Alteration of the Human c-abl Protein in K562 Leukemia Cells Unmasks Associated Tyrosine Kinase Activity, CELL 37, 1035-1042 (1984)	
-			

Examiner	Date	
Signature	 Considered	

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing and submitted the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestion for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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**TRANSMITTAL FORM** 

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/618,129	
Filing Date	17 July 2000	
First Named Inventor	WANG, Xiao Bing	
Group Art Unit	1637	
Examiner Name	SPIEGLER, Alexander	
Attorney Docket Number	TRIM1	

	ENCLOSURES (check all that apply)
Fee Transmittal Form  Fee Attached = che 314838 for \$180.00  Amendment/Reply  After Final  Affidavits/declarati  Extension of Time Reque  Express Abandonment Re  Supplemental Information Disclosure Statement  Certified Copy of Priority Document(s)  Response to Missing Parts	Assignment Papers  Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund  After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences  Other Enclosure(s) (please identify below): Return Postcard; Substitute Form PTO-1449; Copies of Cited References
Incomplete Application  Response to Missing Parts under 37 CFR 1.53	.52 or
	SNATURE OF APPLICANT, ATTORNEY, OR AGENT
Firm or Individual name  Signature  Charles Vo Reg. No.:	
Date May 28, 200	3
	CERTIFICATE OF MAILING

Typed or printed name Signature Date May 28, 2003 Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any

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22313-1450 on this date: <del>05-27-03.</del> 05-28,-03

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known					
Application Number	09/618,129				
Filing Date	17 July 2000				
First Named Inventor	WANG, Xiao Bing				
Examiner Name	SPIEGLER, Alexander				
Group Art Unit	1637				
Attorney Docket No.	TRIMI				

METHOD	OF PAY	MENT (check all that apply)		FEE CALCULATION (continued)				
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Account	20-1507		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
Number	L		1053	130	1053	130	Non-English specification	
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Account Name	IROUII	MAIN SAINDERS LEI	1804	920*	1804	920*	Requesting publication of SIR after Examiner action	
		4 4 1 - 1 - 11 sh - 4 h A	1805	1.840*	1805	1,840*	Requesting publication of SIR after Examiner action	
The Commissioner	is authorized	to: (check all that apply)	1251	110	2251	55	Extension for reply within first month	
Charge fee(s) in	ndicated below	w Credit any overpayments	1	400	2252	200	Extension for reply within second month	
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above-identifie	ed deposit acc	count.	1254	1440	2254	720	Extension for reply within fourth month	
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1. BASIC FII Large Entity		; tity	1401	320	2401	160	Notice of Appeal	
Fee Fee	Fee F	ee <u>Fee Description</u>	1402	320	2402	160	Filing a brief in support of an appeal	
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1001 740 1002 330		65 Design filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1003 510		55 Plant filing fee	1452	110	2452	55	Petition to revive - unavoidable	
1004 740 1005 160		70 Reissue filing fee 80 Provisional filing fee	1453	1280	2453	640	Petition to revive - unintentional	
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Large Entity	Small Enti		8021	40	8021	40	Recording each patent assignment per property	
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1202 18	2202 9				0010	370	1.129(a)) For each additional invention to be examined	
1201 84	2201 42		1810	740	2810	370	(37 CFR § 1.129(b)	
1203 280	2203 140 2204 42		1801	740	2801	370	Request for Continued Examination (RCE)	
1204 84	2204 42	original patent	1802	900	1802	900	Request for expedited examination of a design application	
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		greater, i or remained, are moore			-		Complete (if applicable)	
SUBMITTED	BY			Registrati	on No	1	Complete (II applicable)	

Telephone (Attorney/Agent) 45,315 (404) 885-3561 Name (Print/Type) Charles Vorndran May 28, 2003 Signature

WARNING: Information f this may bec me public. Credit card information should n t be included on this form. Pr vide credit card inf rmation and authorization n PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Form PTC			Attorney Docket No. 122001.1020			Serial No. 09/618,129			
NON 1 2 M	FOX	RMATION DISCL	ATION	Applicant Xiao Bing Wang					
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Examiner Initials	Item	Document Number	Date	Nam	Name Class Subclass Filing Date If Appropria				
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			FOREIGN PAT	TENT DOCUME	ENTS	<u> </u>		<u>L</u>	
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* EXAMINI	ER: Ini	tial if citation considered, wh considered. Include copy of	ether or not citation is in	n conformance with	MPEP § 609. Dra	w line thro	ugh citation if	not in	
EXAMINE				CONSIDERED:					

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE



# IN THE U.S. PATENT AND TRADEMARK OFFICE

TS Mail Room: Return to Docket Cl rk 46

In	ventor: <u>09/618,129</u> TS No.: <u>TRIM1</u> ventor: <u>Wang</u> Client: <u>Trimgen Corporation</u> Date: lle: <u>Detection of Sequence Variation</u>	Atty/Sec: <u>Charles Vorndran/KLH</u> May 28, 2003
	Revocation of Power of Attorney Power of Attorney/Change of Correspondence Address Transmittal Form Priority Document Informal Drawings sheets Formal Drawings sheets Information Disclosure Statement with citations Continued Prosecution Application (CPA) Prior Art Preliminary Amendment Assignment w/cover sheet	Amendment: - OA dated Status Inquiry Notice of Appeal and Fee Issue Fee Advance Patent Copies Check - \$ 180.00 Transmittal of Supplemental IDS w/citations Return Postcard Fee Transmittal Form
1129	JUN 10 2003	JUN 0 2 2003

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Xiao Bing Wang

Serial No.: 09/618,129

Filed: July 17, 2000

Confirmation No.: 8510

Group Art Unit: 1637

Examiner: Alexander Spiegler

Docket No.: 122001.1020

Detection of Sequence Variation of Nucleic

Acid by Shifted Termination Analysis

# **COMMUNICATION**

Mail Stop: AF

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

For:

Applicant respectfully requests the Examiner consider the attached English translation of Russian Patent Application No. 97117182 and associated documents. Applicants submitted the reference in an Information Disclosure Statement filed on May 28, 2003, a copy of which is attached together with the appropriate fee. Applicant also attaches a copy of the date-stamped return postcard indicating that the USPTO received the Information Disclosure Statement.

Applicant respectfully requests the Examiner to make the reference of record in the above-referenced application and to return the initialed PTO-1449 to Application. Applicant notes that the other references listed on the May 28, 2003, IDS have been made of record by the Examiner.

Because the reference was previously submitted with the requisite fee, Applicant believes no fee is due with this paper; however, if the Examiner determines a fee is required, the Commissioner is authorized to charge any requisite fee to Deposit Account No. 20-0778. In the event a Petition for an extension of time is required, this paper is to be considered such a petition.

Respectfully Submitted,

THOMAS, KAYDEN, HORSTEMEYER

& RISLEY, L.L.P.

By:

Charles Vorndran, Reg. No. 45,315

100 Galleria Parkway, Suite 1750 Atlanta, Georgia 30339-5948 770-933-9500

1-13-63

PATENTS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 8510

Xiao Bing Wang

Group Art Unit: 1637

Serial No.: 09/618,129

Examiner: Alexander Spiegler

Filed: July 17, 2000

Docket No.: 122001.1020

For:

Detection of Sequence Variation of Nucleic Acid by Shifted Termination Analysis

# **CERTIFICATE OF EXPRESS MAIL**

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

Enclosed for filing in the above case are the following documents:

- 1. Communication;
- 2. Reference No. RU 97117182
- 3. Copy of Supplemental Disclosure Statement with PTO-1449 Form and PTO date stamped Postcard dated May 28, 2003;
- 4. Certificate of Express Mailing; and
- 5. Return Receipt Postcard.

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Respectfully submitted,

Charles Vorndran, Ph.D.

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

100 Galleria Parkway, N.W.

**Suite 1750** 

Atlanta, Georgia 30339-5948

Our Docket No: 122001-1020

I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To

Addressee" Package # EV 269332189 US

Date:

Jennifer Pomonis